



Practitioner's Docket No. 701826-50008 CIP

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Batist et al.

Application No.: 09/739,223

Group No.:

Filed: December 18, 2000

Examiner:

For: HEX II TUMOR-SPECIFIC PROMOTER AND USES THEREOF

**Assistant Commissioner for Patents  
Washington, D.C. 20231**

**REQUEST FOR CORRECTED FILING RECEIPT**

1. Attached is a copy of the official filing receipt received from the PTO in the above application for which issuance of a corrected filing receipt is respectfully requested.

2. There is an error with respect to the following data, which is:

☒ incorrectly entered

*and/or*

☐ omitted.

---

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. SECTION 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date:

8/23/01

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office (703) \_\_\_\_-\_\_\_\_.

Signature

Zinna L. Mang  
(type or print name of person certifying)

(Request for Corrected Filing Receipt--page 1 of 2)

***Error in***

1. ☐ Applicant's name
2. ☐ Applicant's address
3. ☐ Title
4. ☒ Filing Date
5. ☐ Serial Number
6. ☐ Foreign/PCT Application Re:
7. ☐ Domestic Priority

***Correct data***

- 1.
- 2.
- 3.
4. December 18, 2000 (see attached copy of postcard and **Express Mail receipt**)
- 5.
- 6.
- 7.

**3.** *(complete the following applicable item)*

- A. The correction(s) is/are not due to any error by applicant and no fee is due.

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

Reg. No.: 34,235

Tel. No.: (617) 345-6057

Customer No.: 26770

David S. Resnick  
NIXON PEABODY LLP  
101 Federal Street  
Boston, MA 02110



#3

Practitioner's Docket No. 701826-50008 CIP

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Batist et al.

Application No.: 09/739,223

Group No.:

Filed: December 18, 2000

Examiner:

For: HEX II TUMOR-SPECIFIC PROMOTER AND USES THEREOF

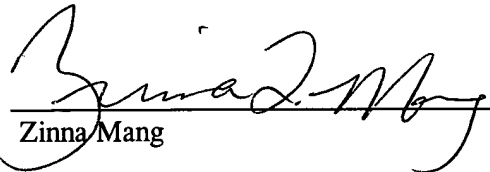
The Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Certificate of Mailing

I hereby certify that the following items are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to The Commissioner of Patents and Trademark, Washington, DC 20231, on this 23<sup>rd</sup> day of August, 2001:

1. Request for Corrected Filing Receipt (2 pp);
2. Copy of Express Mail receipt;
2. Copy of Filing Receipt;
3. Return Receipt Postcard.

  
Zinna Mang

Receipt

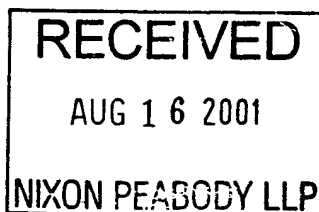


## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/739,223	<del>12/18/2000</del> 12/18/2000	1633	440	701826- 05008-CIP	15	25	4

Nixon Peabody LLP  
c/o David S. Resnick  
101 Federal Street  
Boston, MA 02110-1000



CONFIRMATION NO. 3120

CORRECTED FILING RECEIPT



\*OC000000006421687\*

Date Mailed: 08/14/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

Gerald Batist, Montreal, CANADA;  
Maha Katabi, Montreal, CANADA;

**Domestic Priority data as claimed by applicant**

THIS APPLICATION IS A CIP OF 09/276,005 03/25/1999  
WHICH IS A CON OF PCT/CA97/00691 09/22/1997  
AND CLAIMS BENEFIT OF 60/026,678 09/25/1996

**Foreign Applications**

If Required, Foreign Filing License Granted 03/08/2001

Projected Publication Date: CPUB

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\*****Title**

Hex II tumor-specific promoter and uses thereof

**Preliminary Class**

536

---

**Data Entry by : GRAY, ANN**

**Team : 3600**

**Dat : 08/14/2001**



**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

**GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

**NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

**PLEASE NOTE the following information about the Filing Receipt:**

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:

Assistant Commissioner for Patents  
Office of Initial Patent Examination  
Customer Service Center  
Washington, DC 20231



**POST OFFICE  
TO ADDRESSEE**



**EXPRESS  
MAIL**

UNITED STATES POSTAL SERVICE <sup>TM</sup>



\*EL565095350US\*

**EL565095350US**

**SEE REVERSE SIDE FOR  
SERVICE GUARANTEE AND LIMITS  
ON INSURANCE COVERAGE**

**Customer Copy**  
Label 11-F, July 1997

ORIGIN (POSTAL USE ONLY)			
PO ZIP Code <b>02705</b>	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>	
Date In <b>12/18/00</b>	<input checked="" type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	Postage <b>\$ 15.75</b>	
Mo. <b>12</b> Day <b>18</b> Year <b>00</b>	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee	
Time In <b>6:39</b> <input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Int'l Alpha Country Code	COD Fee	Insurance Fee
Weight <b>5.0</b> lbs. <b>0</b> ozs.	Acceptance Clerk Initials <b>DS</b>	Total Postage & Fees <b>\$ 15.75</b>	
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday			

CUSTOMER USE ONLY	
METHOD OF PAYMENT: Express Mail Corporate Acct. No. <b>X022-021-002</b>	
Federal Agency Acct. No. or Postal Service Acct. No.	<input type="checkbox"/> <b>WAIVER OF SIGNATURE</b> (Domestic Only): Additional merchandise insurance void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitute valid proof of delivery. <input type="checkbox"/> <b>NO DELIVERY</b> <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday
FROM: (PLEASE PRINT) Our Ref. NMs.: 701826-850008-CIP David S. Resnick NIXON PEABODY LLP 101 FEDERAL ST FL 13 BOSTON MA 02110-1934	TO: (PLEASE PRINT) Box New Applications Assistant Commissioner for Patents Washington, D.C. 20231

**PRESS HARD.**

You are making 3 copies.

**FOR PICKUP OR TRACKING CALL 1-800-222-1811**

**www.usps.gov**

